

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 03/08/2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 GABRIEL HERRERA, CURTIS HENNAGER, :
individually and on behalf of all others similarly :
situated, and :
 :
 DANIEL ABBOTT, ELIZABETH :
 AMMERMAN, AMIR AZARCON, SEAN :
 CONWAY, RYAN INWARDS, BLAKE :
 MARTIN, MADISON MURPHY, CARLIN :
 ROLLENHAGEN, WINSTON TOLLIVER, :
 DAVID UNICH, DYLAN WARMACK, FNAN :
 YSAHAK, *individually,* :
 :
 Plaintiffs, :
 :
 -against- :
 :
 COMME DES GARÇONS, LTD., DOVER :
 STREET MARKET NEW YORK LLC, ELAINE :
 BEUTHER, JAMES GILCHRIST, :
 :
 Defendants. :
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21-CV-4929

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on March 8, 2024, the parties appeared before the Undersigned for a status conference.

IT IS HEREBY ORDERED that Plaintiff is granted leave to file an amended complaint by **March 29, 2024**.¹ Defendants' deadline to answer or otherwise respond to the complaint is **April 19, 2024**.

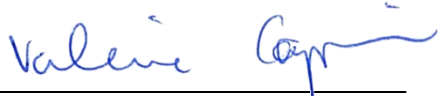
IT IS FURTHER ORDERED that Plaintiffs' motion for collective certification is due on **April 12, 2024**. Defendants' opposition is due **May 3, 2024**, and Plaintiffs' reply is due **May 10,**

¹ At the March 8, 2024, status conference, the parties raised the issue of whether Plaintiffs have standing to bring recordkeeping claims. As the Court noted at the conference, "courts in this Circuit have held that plaintiffs lack standing to bring wage notice and statement claims under the NYLL absent any concrete, downstream consequences of the recordkeeping violation." *Chen v. Lilis 200 W. 57th Corp.*, No. 19-CV-7654, 2023 WL

2024. The parties are ordered to meet and confer for at least one hour regarding the pending motion for collective certification and file a **joint** letter certifying that they have done so by **April 10, 2024.**

SO ORDERED.

Date: March 8, 2024
New York, NY



VALERIE CAPRONI
United States District Judge

2388728, at *8 (S.D.N.Y. Mar. 7, 2023) (VEC). Standing is not established when recordkeeping claims are based only on “injuries already encompassed by other claims in this lawsuit,” including claims that improper wage statements “obscured” Defendants’ conduct or otherwise prevented Plaintiffs from having documentation that would have facilitated efforts to seek redress. *Id.*